

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 40-53 and 55-79 are now present in this application. Claims 40, 55, 58, 62, 65, 69, 73 and 79 are independent. By this Amendment, claim 54 has been canceled and claim 55 is amended. No new matter is involved.

Reconsideration of this application is respectfully requested.

Objection to Claim 54

Claim 54 is objected to because the language “the digital” appears to lack proper antecedent basis. In response to this objection, Applicants have amended claim 55 to include the subject matter of claim 54 (which has been canceled) and have obviated this informality in claim 55.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 40-43, 47, 48, 50, 52, 54 and 62 stand rejected under 35 U.S.C. §§ 102(e)/103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of U.S. Patent 6,754, 277 to Heinzelman et al. (“Heinzelman”). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Initially, Applicants note that this rejection is moot with respect to claim 54, which has been canceled.

Applicants respectfully submit that the Office Action mischaracterizes Tracton as a

“broadcast service system.” In actuality, Tracton is fundamentally, and primarily, a system that provides dynamic content customization in a client-server configuration in which a server 52 and a client 53 are in communication over a network 54, and is primarily concerned with clients and servers used in a specific network, which it discloses as the Internet. Figs. 4 and 7, for example, involve the Internet as the network. The communicated data that is mostly discussed by Tracton includes “a web page” (col. 4, lines 50-62) and in col. 5, lines 14-29, with reference to Fig. 5, Tracton explicitly states, with respect to Fig. 5, that “[i]t is assumed the client 102 network application is a web browser, and the server 100 utilizes a web server.

Other supported architectures are briefly mentioned in col. 7, and include “text-only pagers or cellular-phone based browsers.” Starting at col. 7, line 35, Tracton discloses that “Fig. 7 illustrates a server configuration for performing on-the-fly scaling of content to deliver to a content.” Tracton then discusses, with respect to “the illustrated embodiments,” the hypothetical configuration of “a server seeking to deliver a MPEG encoded news broadcast.” In other words, the delivery of an MPEG encoded news broadcast is disclosed by Tracton solely in the context of the illustrated embodiments, and the only illustrated network embodiment referred to is that of Fig. 7, which involves the Internet.

Tracton continues in col. 7, lines 55+, by stating that Tracton is directed to “reprocessing the original source content 250 to allow the display of the video stream on a low-resolution decoder.”

In other words, Tracton is focused on a system that uses the Internet to display a video stream on a low-resolution decoder. Tracton contains absolutely no disclosure of receiving television broadcasts and providing them directly to a mobile television network transmitting means and via that transmitting means to a mobile telephone terminal, as recited, or for converting a received broadcast television signal into a video and audio signal in a format compatible with a signal and

transmission standard of the mobile cellular telephone network and for providing the converted format video and audio signal directly to the mobile cellular network transmitting means, as recited.

Tracton provides a system that reprocesses (scales using scaler 252) the original source content 250 so that it can be received and utilized by a client 102 with a low resolution decoder, and provides it to a web server before it does to the Internet. Tracton never states where, in the chain of events a cellular phone system is involved, e.g., after the Internet stage, or wherever. Even if one went to the trouble of substituting a cellular-phone network for the Internet, which is certainly not suggested by Tracton, Tracton is still limited to doing its scaling upstream and sending the scaled signals to a web server (e.g., as shown in Figs. 4 and 7) before sending them to a network, which is significantly different from what is positively recited in the claims under rejection.

Tracton contains no disclosure whatsoever of receiving television broadcasts and providing them directly to a mobile cellular network. At best, Tracton receives an MPEG encoded news broadcast, scales it so it can be received by a low-resolution receiver, sends it to a web server, and then the web server provides the signals to a network, e.g., the internet, and in the case of sending the MPEG encoded news broadcast, eventually to a cellular phone transmitter, but the details of how this occurs are totally absent from Tracton.

Providing the signals directly to a mobile telephone transmission means does not involve sending them through a web server or through the Internet, as does Tracton, for example.

The Office Action admits that Tracton does not necessarily disclose providing television broadcasts directly to a mobile cellular network transmitting means. This is clearly an admission that Tracton does not inherently contain such a disclosure. In this regard, Applicants respectfully submit that for something to be inherently disclosed, it must be necessarily disclosed, i.e., not just possibly disclosed and not just probably disclosed. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323,

326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993), and submit that Tracton does not contain a disclosure of directly receiving a broadcast television signal.

In an attempt to remedy this admitted deficiency, the Office Action turns to Heinzelman, stating that Heinzelman “teaches providing television broadcasts directly to a mobile cellular network transmitting means as shown in Fig. 2, where video, audio (or multimedia) are compressed using international standard compression methods, such as the MPEG (including MPEG-4 video compression standard) or H.263 standards, are transmitted via a wireless cellular network to a multimedia terminal, such as a video cellular phone and/or web browser using the GSM standard (see col. 1, lines 10-65 and the entire document).”

Applicants respectfully take issue with this characterization of what Heinzelman discloses. Actually, a keyword search of Heinzelman reveals that the word “television” is not found in Heinzelman. Nor is the word “broadcast” found in Heinzelman. Nor is the acronym “TV” found in Heinzelman.

In other words, Heinzelman has no disclosure whatsoever of (1) the claimed broadcast service system for receiving television broadcasts and providing them directly to a mobile-cellular network transmitting means and via that means to a mobile telephony terminal, as recited in claims 40-43, 47, 48, 50, 52; or of (2) a broadcasting service method for enabling the reception of television broadcasts by a mobile cellular telephone subscriber terminal, comprising: converting a broadcast television signal including digital video and audio data into a format compatible with a signal and transmission standard of a mobile cellular telephone network; providing the converted format video and audio signal directly to a mobile cellular network transmitter; and transmitting the converted digital video and audio data to a subscriber of the mobile cellular telephone network through a certain

transmission channel of the mobile cellular telephone network transmitter of claim 62.

Accordingly, even if one of ordinary skill in the art were properly motivated to turn to Heinzelman to modify Tracton, no matter how Tracton is modified based on Heinzelman, the resulting modified version of Tracton will not render obvious the claimed invention because neither of these references discloses receiving a broadcast television signal.

Applicants respectfully submit that this rejection is based on large part on Applicants' disclosure as improper hindsight reconstruction of the claimed invention based solely on Applicants' disclosure.

Accordingly, the Office Action fails to make out a *prima facie* case of the obviousness of claims 40-43, 47, 48, 50, 52, 54 and 62 by Tracton.

Reconsideration and withdrawal of this rejection of claims 40-43, 47, 48, 50, 52, 54 and 62 are respectfully requested.

Claims 44-46, 55-61, 63 and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton in view of Heinzelman and further in view of U.S. Patent 6,263,503 to Margulis. This rejection is respectfully traversed.

Neither Tracton nor Heinzelman discloses or suggests the invention recited in claim 40, from which claims 44-46 depend at least for reasons discussed above. Additionally, neither Tracton nor Heinzelman discloses or suggests (1) a broadcasting service system using a mobile cellular telephony terminal, comprising a digital video and audio input means which is provided a digital video and audio signal from a provider; a transcoding means which converts the provided digital video and audio signal inputted from the digital video and audio input means into a format and transmission rate compatible with transmission over a transmission channel of the mobile cellular

telephone network and provides the converted format video and audio signal directly to an allocating transmitting means; an encoding-converting means for encoding digital data converted by the transcoding means; a transmitting means which transmits the thusly transcoded-converted digital broadcasting signal provided directly to the allocating transmitting means on an allotted channel of the mobile cellular telephone network; an EPG (Electronic Program Guide) data converting means for converting EPG data for selecting a digital television broadcasting channel into a format compatible with transmission over the mobile cellular telephone network; and an additional information converting means for converting the additional information of the digital television broadcasting channel into a format compatible with transmission over the mobile cellular telephone network, as positively recited in claim 55; or (2) a broadcasting service method for enabling the reception of television broadcasts by a mobile cellular telephone subscriber terminal, comprising: converting a broadcast television signal including digital video and audio data into a format compatible with a signal and transmission standard of a mobile cellular telephone network; providing the converted format video and audio signal directly to a mobile cellular network transmitter; and transmitting the converted digital video and audio data to a subscriber of the mobile cellular telephone network through a certain transmission channel of the mobile cellular telephone network transmitter, wherein the converting step comprises (a) converting the video and audio data of the digital television broadcasting signal into data compatible with the transmission standard and transmission rate of the mobile cellular telephone network; and (b) converting EPG (Electronic Program Guide) data and additional information of the digital television broadcast signal into information compatible with the transmission standard and transmission rate of the mobile cellular telephone network, as recited in claims 63-64.

Moreover, Margulis is not applied to remedy the aforementioned deficiencies of the Tracton-

Heinzelman reference combination. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton-Heinzelman in view of Margulis, which it is not, the so-modified version of Tracton-Heinzelman would neither meet, nor render obvious, the claimed invention.

Moreover, the Office Action fails to provide objective factual evidence or proper motivation to turn to Margulis to modify Tracton-Heinzelman, as suggested. Margulis is directed to a wireless television system “preferably configured for economical and efficient use in a home environment” (col. 4, lines 13-15, for example). As such, it is non-analogous art to Tracton-Heinzelman, which is not directed to a wireless TV system, and is not directed to solving the same problem as Applicants or Tracton-Heinzelman.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claims 44-46, 55-61, 63 and 64.

Reconsideration and withdrawal of this rejection of claims 44-46, 55-61, 63 and 64 are respectfully requested.

Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton in view Heinzelman and further in view of U.S. Patent 6,246,430 to Peters et al. (“Peters”). This rejection is respectfully traversed.

Tracton-Heinzelman does not disclose or suggest the invention recited in claim 40, from which claim 49 depends at least for reasons discussed above. Moreover, Peters is not applied to remedy the aforementioned deficiencies of Tracton-Heinzelman. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton-Heinzelman in view of Peters, which is not the case, the so-modified version of Tracton-Heinzelman would neither meet, nor

render obvious, the claimed invention.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claim 49.

Reconsideration and withdrawal of this rejection of claim 49 are respectfully requested.

Claims 51-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton in view of Heinzelman and Margulis and further in view of U.S. Patent 6,005,565 to Legall et al. ("Legall"). This rejection is respectfully traversed.

Tracton-Heinzelman-Margulis does not disclose or suggest the invention recited in claim 40, from which claims 51-53 indirectly depend, at least for reasons discussed above. Moreover, neither Margulis nor Legall is applied to remedy the aforementioned deficiencies of Tracton-Heinzelman. Accordingly, even if one of ordinary skill in the art were properly motivated to modify Tracton-Heinzelman in view of Margulis and Legall, which is not the case, the so-modified version of Tracton-Heinzelman would neither meet, nor render obvious, the claimed invention.

Furthermore, Applicants respectfully submit that the Office Action fails to provide objective factual evidence that one of ordinary skill in the art would be properly motivated to modify Tracton-Heinzelman in view of Margulis, as suggested, for reasons discussed above regarding traversing the rejection of claims 44-46, 55-61, 63 and 64.

Additionally, Legall contains no disclosure of transmitting television programs and is non-analogous to both Margulis and Tracton-Heinzelman.

The alleged motivation to incorporate the EPG searching of Legall into the aforementioned improper reference combination is because "Legall is evidence that ordinary workers would appreciate the ability to search an EPG." Applicants respectfully disagree. Just because someone

would want to search an EPG does not mean that they would modify the aforementioned improper reference combination to search an EPG the way Legall does, especially in view of the fact that Legall does not even mention the word “television” in its application and does not deal with wireless broadcast television, like Margulis does. Moreover, Legall display appears to be that of a full sized desktop PC (see col. 1, lines 20-25 for discussion of a desktop, and col. 2, lines 7-14, which discusses a “Sony PC”), and contains much too much information to be displayed as shown in Figs. 2 and 3B of Legall on a cellular telephone screen.

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to modify the aforementioned Tracton-Heinzelman-Margulis improper reference combination in view of Legall.

Reconsideration and withdrawal of this rejection of claims 51-53 are respectfully requested.

Claims 65 and 69-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Margulis in view of U.S. Patent Application Publication 2006/0105804 to Kumar, and further in view of Heinzelman. This rejection is respectfully traversed.

Initially, Applicants note that independent claims 65 and 69 positively recite a combination of features that is neither disclosed nor suggested by Margulis or Kumar or Heinzelman, including, for example, a transcoding means which converts the provided digital video and audio signal inputted from the digital video and audio input means into a format and transmission rate compatible with transmission over a transmission channel of the mobile cellular telephone network and provides the converted format video and audio signal directly to an allotting transmitting means; or similar method steps. Moreover, none of the applied references disclose or suggest a broadcast service system for enabling the reception of television broadcasts by a mobile cellular telephone subscriber

terminal.

Because none of the applied references discloses the claimed features, there is no objective factual basis of record for rendering the claimed invention obvious.

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to modify Margulis in view of Kumar and Heinzelman to arrive at or otherwise render obvious the claimed invention.

Reconsideration and withdrawal of this rejection of claims 65 and 69-78 are respectfully requested.

Claims 66-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Margulis in view of Kumar and Heinzelman and further in view of Peters. This rejection is respectfully traversed.

The Margulis-Kumar-Heinzelman reference combination does not disclose or suggest the invention recited in claim 65, from which claims 66-68 depend at least for reasons discussed above. Moreover, Peters is not applied to remedy the aforementioned deficiencies of the Margulis-Kumar-Heinzelman reference combination. Accordingly, even if one of ordinary skill in the art were properly motivated to modify the Margulis-Kumar-Heinzelman reference combination in view of Peters, which is not the case, the so-modified version of the Margulis-Kumar-Heinzelman reference combination would neither meet, nor render obvious, the claimed invention.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claims 66-68.

Reconsideration and withdrawal of this rejection of claims 66-68 are respectfully requested.

Claim 79 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton in view of Heinzelman in view of Peters and further in view of Margulis. This rejection is respectfully traversed.

Claim 79 positively recites a combination of features including, at the format converter, in response to said request from the mobile telephone network, supplying the video and audio data of a selected broadcast television channel directly to the mobile telephone network in a format which is compatible for transmission over the mobile telephone network. This combination of features is neither disclosed nor suggested by any of the four applied references.

Thus, no matter how these references are combined, they will not result in, or otherwise render obvious, the claimed invention.

Furthermore, the Office Action fails to provide objective factual evidence or proper motivation to turn to Margulis to modify Tracton-Heinzelman-Peters, as suggested. Margulis is directed to a wireless television system “preferably configured for economical and efficient use in a home environment” (col. 4, lines 13-15, for example). As such, it is non-analogous art to Tracton-Heinzelman-Peters, none of which is directed to a wireless TV system, and is not directed to solving the same problem as Applicants or Tracton or Heinzelman.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention.

Reconsideration and withdrawal of this rejection of claim 79 are respectfully requested.

Additional Cited Reference

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but has merely been cited to show the state of the art, no comment need be made with respect

thereto.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

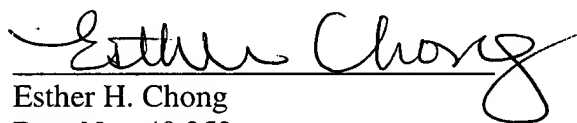
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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